





**COMMUNITY DEVELOPMENT DEPARTMENT
OFFICE MEMORANDUM**

DATE: **March 18, 2010**

TO: **Mayor and Members of the City Council**

FROM: **Hanson Hom, Community Development Director** 

THROUGH: **Gary Luebbers, City Manager** 

RE: **Opportunity for Council to appeal decisions of the Planning Commission of March 8, 2010 and the Administrative Hearing of March 10, 2010.**

Attached is the "Appeal Report" which is presented in the form of Draft Minutes from the Planning Commission Hearing and an Action Summary from the Administrative Hearing. The Planning Commission draft minutes and Action Summary from the Administrative Hearing note items that may be appealed and the final appeal date. **Staff reports and the Planning Commission meeting videos are available on the City's web site. One set of reports and draft minutes will be placed in a binder in the Council Office.**

Council should specify the reason for an appeal and indicate any appealed items on which it wishes to have expanded notification.

Attachments: A. Planning Commission Action Summary
B. Administrative Hearing Action Summary



**DRAFT MINUTES
SUNNYVALE PLANNING COMMISSION**

March 8, 2010

456 West Olive Avenue, Sunnyvale, CA 94086

**7:15 PM - Special Start Time
Study Session – West Conference Room**

- 1. Update on SB 375 (Sustainable Communities and Climate Protection Act) Activities (25 minutes)**
- 2. Public Comment on Study Session Agenda Items (5 minutes)**
- 3. Comments from the Chair (5 minutes)**

8:00 PM – Public Hearing – Council Chambers

The Planning Commission met in regular session with Chair Chang presiding.

CALL TO ORDER/SALUTE TO THE FLAG

ROLL CALL

Members Present: Chair Bo Chang; Vice Chair Nick Travis; Commissioner Charles Hungerford; Commissioner Larry Klein; Commissioner Dianne McKenna; Commissioner Harriet Rowe; and Commissioner Brandon Sulser.

Staff Present: Trudi Ryan, Planning Officer; Kathryn Berry, Senior Assistant City Attorney; Andrew Miner, Principal Planner; and Debbie Gorman, Recording Secretary.

SCHEDULED PRESENTATION - None

PUBLIC ANNOUNCEMENTS/CITIZENS TO BE HEARD

Speakers are limited to three (3) minutes. If you wish to address the Planning Commission, please complete a speaker's card and give it to the Recording Secretary. If your subject is not on the agenda, you will be recognized at this time; but the Brown Act (Open Meeting Law) does not allow action by Planning Commission Members. If you wish to speak to a subject listed on the agenda, you will be recognized at the time the item is being considered by the Planning Commission.

APPROVAL OF MINUTES of February 22, 2010

Vice Chair Travis moved to approve the minutes of February 22, 2010 with modifications. Comm. Rowe seconded. Motion carried, 6-0, with Comm. Klein abstaining.

PUBLIC HEARINGS/GENERAL BUSINESS

1. **2009-0782 - T-Mobile** [Applicant] City of Sunnyvale: Application for a Use Permit to allow a second wireless telecommunications carrier including six panel antennas and one microwave dish on a new 100' tall monopole with associated ground equipment at the City Corporation Yard located at **221 Commercial Street** (near E. California Ave.) in an M-S (Industrial & Service) Zoning District (APN: 205-34-012)
NC

ACTION: Comm. Klein made a motion on 2009-0782 to approve the Use Permit with the attached conditions. Comm. Rowe seconded. Motion carried, 7-0.

APPEAL OPTIONS: This action is final unless appealed to City Council no later than March 23, 2010.

NON-AGENDA ITEMS AND COMMENTS

- **COMMISSIONERS ORAL COMMENTS**

Comm. McKenna said she spoke with a member of the El Camino Hospital Board and that the only Sunnyvale resident on the Board is resigning. Comm. McKenna encouraged anyone interested in Hospital Health issues to consider applying noting that she thinks the application deadline is the end of March. She said that the new member would have to be appointed and then would have to run in the November election. Comm. McKenna said Sunnyvale is the largest community served by the Board and it would be nice to have at least one Sunnyvale resident on the Board.

- **Planning Commissioners Update on General Plan Consolidation Advisory Committee**

Comm. Hungerford provided a summary of the first meeting of the General Plan (GP) Consolidation Advisory Committee of February 16, 2010. He discussed the different representatives on the Committee including Comm. Klein and himself, with Comm. Sulser serving as the alternate. He explained the goals of the committee including making the GP more useable for everyone. He said the committee would meet once a month for the next few months and is to provide their recommendations by the end of June 2010. Comm. Hungerford said the committee identified their target audiences, staff provided a range of possible suggestions of what the GP could look like, and discussed the key elements that need to be included in the GP along with guidelines and policies usually associated with a GP. He said the committee is scheduled to meet again on Wednesday, March 31, 2010 and the meeting is open to the public.

Comm. Klein thanked Comm. Hungerford for the summary and added that those who are interested in this issue should visit the SunnyvalePlanning.com GP Consolidation link for more information.

- **STAFF ORAL COMMENTS**

City Council Meeting Report

Trudi Ryan, Planning Officer, commented on Planning related items considered by the City Council at the February 23, 2010 meeting and Planning related items scheduled to be considered at the March 9, 2010 Council meeting.

Other Staff Oral Report

INFORMATION ONLY ITEMS

Ms. Ryan said the following two memos were provided to the City Council for their March 9, 2010 meeting as updates on previously considered items.

1. **Follow-up to Council Study Issue: Limitations on Signage for Alcohol Sales (RTC 09-281)**
2. **Follow-up to Council Action Allowing Donation Centers in the C-1 Zone (RTC 08-223)**

ADJOURNMENT

With no further business, the Commission meeting was adjourned at 8:37 p.m.

Respectfully submitted,


Trudi Ryan
Planning Officer



ADMINISTRATIVE HEARING

ACTION SUMMARY Wednesday, March 10, 2010

A public hearing was held by the Administrative Hearing Officer at 2:00 p.m. in the West Conference Room, City Hall, 456 W. Olive Avenue, Sunnyvale, CA for the purpose of considering the following applications:

location	923 W. El Camino Real (APN: 165-01-035)
file number/ proposed project	2009-0931: Special Development Permit to allow a new 7,901 square foot building for an automobile dealership with an associated service use and second floor storage area.
applicant/owner	Adam Simms / Price-Simms Re LLC
environmental review	A Class 3 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines
project planner	Ryan Kuchenig, 408-730-7431, rkuchenig@ci.sunnyvale.ca.us.

ACTION: Taken under advisement so that the Hearing Officer could clarify the conditions of approval until Monday, March 15, 2010. On that day the Administrative Hearing Officer approved the application subject to the findings and conditions of approval located in the staff report with changes to conditions 5.L., 6.B., 7.E. and 11.B. adding condition 11.E. regarding notification to neighbors about the construction schedule.

APPEAL OPTIONS: May be appealed to the Planning Commission by Tuesday, March 30, 2010.